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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,765	10/23/2003	Kenneth D. Eisenbraun	KDE-18103/03	6717

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GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,765

Applicant(s)

EISENBRAUN ET AL.

Examiner

Niki M. Eloshway

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiueh (US 6,302,364) in view of Grim (US 4,999,932). Regarding Chiueh, the bladder extends into the aperture of the holder. Moreover, the bladder extends through an aperture in the sidewall to contact the vessel. The mechanical air compressor does not require any structure that is not satisfied by the pump of the reference. The pump in the reference is a mechanical air compressor, as it requires mechanical force to provide the compressed air. The sheet material in the reference is item 22 as seen in Fig. 2.

Chiueh does not teach releasing the pressurizing medium upon reaching a certain pressure. Grim as seen in the abstract of the invention teaches an inflatable bladder with a relief valve. It would have been obvious to employ the relief valve of Grim in the device of Chiueh to prevent over pressure in the bladder as taught by Grim.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiueh (US 6,302,364) in view of Grim (US 4,999,932), as applied to claim 1 above, and further in view of Hull (US 5,049,102). Chiueh teaches using a pump but does not specifically teach a bellows type pump. Hull teaches inflating a device with a bellows pump. It would have been obvious to employ a bellows pump in the modified device of Chiueh to rapidly inflate the bladder.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiueh (US 6,302,364) in view of Grim (US 4,999,932) and Hull (US 5,049,102). Regarding Chiueh, the bladder extends into the

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aperture of the holder. Moreover, the bladder extends through an aperture in the sidewall to contact the vessel. The mechanical air compressor does not require any structure that is not satisfied by the pump of the reference. The pump in the reference is a mechanical air compressor, as it requires mechanical force to provide the compressed air. The sheet material in the reference is item 22 as seen in Fig. 2.

Chiueh does not teach releasing the pressurizing medium upon reaching a certain pressure nor does Chiueh teach a bellows type pump. Grim as seen in the abstract of the invention teaches an inflatable bladder with a relief valve. It would have been obvious to employ the relief valve of Grim in the device of Chiueh to prevent over pressure in the bladder as taught by Grim.

Hull teaches inflating a device with a bellows pump. It would have been obvious to employ a bellows pump in the modified device of Chiueh to rapidly inflate the bladder.

5. Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiueh (US 6,302,364) in view of Hull (US 5,049,102). Chiueh teaches using a pump but does not specifically teach a bellows type pump. Hull teaches inflating a device with a bellows pump. It would have been obvious to employ a bellows pump in the device of Chiueh to rapidly inflate the bladder.

6. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiueh (US 6,302,364) in view of Hull (US 5,049,102), as applied to claim 7 above, and further in view of Grim (US 4,999,932). The modified device of Chiueh does not teach releasing the pressurizing medium upon reaching a certain pressure. Grim as seen in the abstract of the invention teaches an inflatable bladder with a relief valve. It would have been obvious to employ the relief valve of Grim in the modified device of Chiueh to prevent over pressure in the bladder as taught by Grim.

Response to Arguments

7. Applicant's arguments filed October 13, 2005 have been fully considered but they are not persuasive. Applicant argues that combining "Chiueh and Grim yields a device that upon being

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pressurized to retain a beverage container immediately begins to bleed pressure and preclude securement.” The examiner disagrees with this position. The secondary reference of Grim is applied in the rejections above for the teaching of releasing the pressurizing medium upon reaching a certain pressure. Grim teaches this function. This function is separate from and not necessarily linked to the additional function of continuous bleeding of pressure. The description of the valve 46 and its function, found in col. 3 lines 37-54 of Grim, supports the position that pressure relief function is separate from the continuous bleeding. For example, Grim states that the “bleed function *may be* included in the valve 46” (*emphasis added*). Grim also discloses that the bleed function may be provided by holes 48, instead of by the overpressure valve 46. Grim is used in the rejection for the teaching of overpressure release and not for the teaching of continuous bleeding. For this reason, the modification of Chiueh with the teaching of Grim is considered proper.

8. In response to applicant's argument that Hull is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the reference is considered reasonably pertinent because it teaches a method of inflating hollow members

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

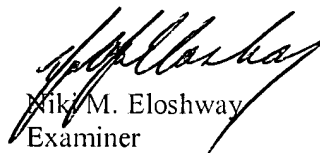
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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Niki M. Eloshway
Examiner
Art Unit 3727

nme


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER